



USDA Foreign Agricultural Service

GAIN Report

Global Agriculture Information Network

Template Version 2.09

Voluntary Report - public distribution

Date: 3/3/2009

GAIN Report Number: PL9005

Poland

Biotechnology

Problems with the draft cultivation law and Poland votes against new GMOs

2009

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Report Highlights:

This report offers a look at the legal deficiencies in Poland's new draft cultivation law. December 19, 2008, Poland sent the draft to the EU Commission for comment; the Commission has until March 20, 2009, to comment on the proposal. The draft law attempts to comply with EU regulatory authorities but contains provisions which will prevent planting GMO crops in Poland. The Ministry of Environment continues its radical approach by naming environmental lobby groups to its expert panels and excludes companies or farm lobbies unless they come from Poland's tiny organics industry. On February 25, 2009, Poland voted in Brussels against approval of Pioneer Hi-bred's 1507 and Syngenta's Bt11 corn for cultivation, continuing its non science based approach to block entrance of new biotechnology events in the EU. Both varieties are resistant to the European corn borer (*Ostrinia nubilalis*), which costs Polish corn producers \$400 million worth of crop each year.

Includes PSD Changes: No

Includes Trade Matrix: No

Trade Report

Warsaw [PL1]

[PL]

On February 25, 2009, at the EU Regulatory Committee (DG Environment) vote on approval of Pioneer Hi-bred International's 1507 and Syngenta's Bt11 corn for cultivation Poland again voted "no", continuing its unscientific approach to block entrance of new biotechnology events in the EU. Both varieties are resistant to the European corn borer (*Ostrinia nubilalis*), which costs Polish corn producers \$400 million every year.

As reported in GAIN PL8032, <http://www.fas.usda.gov/gainfiles/200812/146306641.doc> on November 18, 2008, the Polish Council of Ministers adopted a new decision setting Polish policy regarding genetically modified organisms ("GMOs"). The decision allows research on GMOs in "closed systems," but reasserts Poland's intention to remain "a country free of GMOs." The decision also declares that in EU voting, in every case the Polish government will vote against allowing planting of GMOs whether for food, animal feed or other products.

On December 19, 2008, Poland notified to the EU Commission of the proposed text of its new law on genetically modified organisms. The Commission has until March 20, 2009, to comment on the received proposal. The law attempts to comply with EU regulatory authorities that have told Poland it must update its GM law, but the Ministry proposal creates new obstacles designed to prevent planting, not solutions.

Some of the most important obstacles, included in the proposed law, that could prevent cultivation of GMO plants in Poland include:

- The law sets up a commission to set policy and recommend approval of rules. This Commission is to be composed of 18 members appointed by the Minister of Environment that includes a representative from the environmental lobbies, but does not include any farm groups except from the organics industry. This provision guarantees that all recommendations on GMO will be negative. An environmental lobby representative at a recent Ministry of Environment conference of experts (that included only negative speakers on GMOs) called for Poland to no longer plant corn, saying that Polish farmers should plant only natural European plants such as carrots. (NOTE: Potatoes were introduced into Europe in the 16th century from South America just like corn and so don't qualify for growing in Poland). These groups call for a return to the use of draft animals by farmers and want pesticides' and fertilizers' use limited or abandoned. They regard the organics industry as supreme, ignoring that this industry derives 80 percent of its profit from EU subsidies and represents less than 2 percent of farm production in Poland.
- The proposed regulation includes provisions for creation of GMO free zones, including the following provision: "A Regional Inspector, with the purpose of limiting the spill-over of genetically modified plants onto other farming, may prohibit the user, referred to in Article 4(19)(f) of the Genetically Modified Organisms Act, ... by way of administrative decision, from farming, sowing or planting given plants in a determined area." Such provision could result in regional level authorities creating a major obstacle to farmers wanting to plant GMO crops even if local authorities approve them.

Poland's Ministry of Environment and Polish EU Parliament members have been very active in creating and advocating to other member states for EU wide bans of GMO crops and creation of GMO free zones. Poland represents one of Europe's most active governments against the adoption of agricultural biological science worldwide. Such activities will strengthen the negative voting process at the EU level; preventing EU farmers from having access to this modern technology and slowing down adoption of the crops to fight food supply problems in the developing world.

For additional information on biotechnology please refer to the following 2008 GAIN REPORTS prepared by FAS/Warsaw and FAS/EU Brussels:

Potential benefits to crops

<http://www.fas.usda.gov/gainfiles/200812/146316976.pdf>

Government Framework Position

<http://www.fas.usda.gov/gainfiles/200812/146306641.pdf>

Biotech Feed Ban halted

<http://www.fas.usda.gov/gainfiles/200811/146306617.pdf>

New Draft Cultivation Law

<http://www.fas.usda.gov/gainfiles/200808/146295592.pdf>

Feed Ban Consequences for Pork and Poultry Production

<http://www.fas.usda.gov/gainfiles/200806/146294929.pdf>

Biotech Update, Feb. 2008

<http://www.fas.usda.gov/gainfiles/200802/146293707.pdf>

EU-27 Member States Consolidated Biotechnology Annual Report

<http://www.fas.usda.gov/gainfiles/200811/146306614.pdf>